

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Patent Appeals and Interferences

PATENT
APPLICATION

In re PATENT APPLICATION of

Inventor(s): MARTIN et al.

Appln. No.: 09

Series Code ↑

994,657

Serial No. ↑

Group Art Unit: 1637

Examiner.: J. Tung

Atty. Dkt. 056297

5016-US01

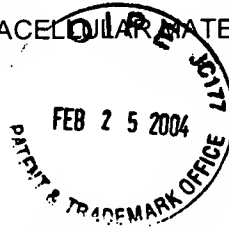
Filed: November 28, 2001

Title: RELEASE OF INTRACELLULAR MATERIAL

Date: February 25, 2004

Commissioner for Patents

Arlington, VA 22202



02/27/2004 JADD01 00000077 500310 09994657

01 FC:1401 330.00 DA
02 FC:1253 530.00 DA

Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated August 25, 2003 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable)
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity" statement filed: ☐ herewith. ☐ previously.
6. ☐ Fee **NOT** required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

7. FEE CALCULATION

	Large/Small Entity	Fee Code
If box 1 above is X'd, enter	\$330/165	\$330 119/219
If box 2 above is X'd, enter	\$330/165	\$0 120/220
If box 3 above is X'd, enter	\$290/145	\$0 121/221
If box 4 above is X'd, enter nothing	- 0 - (no fee)	
8. Original due date: November 25, 2003		
9. Petition is hereby made to extend the original due date (1 mo) \$110/\$55 \$		115/215
to cover the date this response is filed for which the (2 mos) \$420/\$210		116/216
requisite fee is attached. (3 mos) \$950/\$475 \$950		117/217
(4 mos) \$1,480/\$740		118/218
(Usable only if box 2 is X'd--- 5 mos) \$2,010/\$1,005 +\$0		128/228
10. Enter any previous extension fee paid <input checked="" type="checkbox"/> previously since above \$420		
Original due date (item 8); <input type="checkbox"/> with concurrently filed amendment.....		
11. Subtract line 9 from line 8 and enter: Total Extension Fee		+\$530
12. TOTAL FEE ATTACHED =		\$860

(Our Deposit Account No. **50-0310**)

(Our Order No. 056297

C#

5016-US01

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CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Morgan Lewis & Bockius

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments